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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/694,716

10/29/2003

Larry Saik

4016

7590 02/08/2007
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EXAMINER

STINSON, FRANKIE L

ART UNIT

PAPER NUMBER

1746

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

02/08/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/694,716

Applicant(s)

SAIK, LARRY

Examiner

FRANKIE L. STINSON

Art Unit

1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20, 28, 34 and 35 is/are rejected.
- 7) ☒ Claim(s) 21-27, 29-33 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 1746

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 20, 28 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ripley et al. (U. S. Pat. No. 5,470,458) in view of either Manabe et al. (U. S. Pat. No. 5,421,903) or Krajicek et al. (U. S. Pat. No. 4,945,933).

Re claim 1, Ripley is cited disclosing an apparatus for dewatering and recovering formation sand from an oil-sand-water mixture contained in a remotely located field oil storage tank, said tank having a flanged fluid drain hole located at the bottom thereof, and a flanged fluid inlet hole located above said flanged fluid drain hole, said apparatus comprising:

a. a furcated conduit (see fig. 5) adapted for connection to said tank flanged fluid drain hole, said furcated conduit having a first branch (35) and a second branch (155), wherein said first branch having a flanged first end and a flanged second end, said second branch having a first end and a flanged second end;

b. high pressure water injection (80) pipe for injecting high pressure water into the formation sand within the tank thereby forming a slurry; said pipe insertable through said first branch of the furcated conduit and into the formation sand;

c. forcing means (col. 10, lines 23-27) for forcibly inserting said pipe into the formation sand;

d. means (120) for withdrawing said slurry from the tank by way of said second branch of the furcated conduit;

e. means (col. 17, lines 14-28 and col. 6, line 41) for injecting treatment chemicals into the slurry comprising;

f. means for dewatering the slurry (col. 7, lines 3-23) said dewatering means located remote from the tank;

g. means (12) for transporting the slurry from the tank to said remote slurry dewatering means;

h. means (see fig. 10) for recycling water separated from the slurry back into the tank for later collection and treatment; and,

i. means (not shown, col. 7, lines 3-23) recycling the oil floating on the surface of the slurry; that differs from the claim only in the recitation of the trailer and the skimmer and the injection port on the second branch. The patent to Manabe is cited disclosing the trailer as claimed. It therefore would have been obvious to one having ordinary skill in the art to modify the system of Ripley, to be trailer mounted as taught by Manabe, for the purpose of allowing the system to be used in an oil storage filed for example. As for the skimmer, the same is deemed to be inherent in Ripley in that Ripley employees the immiscibility of the oil and water for easier separations (col. 8, line 64). To have an injection port on the second branch is deemed to be a mere rearrangement of parts. Re claim 28, to specifically include an additional pump is deemed to be an obvious extension of the teachings of Ripley. Re claim 34, Ripley and Manabe disclose the recycling of the fluid.

Art Unit: 1746

3. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over the applied prior art as applied to claim 20 above, and further in view of Smith (U. S. Pat. No. 3,746,023).

Claim 35 defines over the applied prior art only in the recitation of the floating skimmer. Smith is cited disclosing that it is old and well known to employ a floating skimmer for oil removal. It therefore would have been obvious to one having ordinary skill in the art to modify the system of Ripley, to include a floating as taught by Smith, since this is considered to be a mere substitution of equivalents.

4. Claims 21-27 and 29-33 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. In Luke, note the conduits.

6. Applicant's arguments with respect to claims 33-43 and 53-55 have been considered but are moot in view of the new ground(s) of rejection.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

Art Unit: 1746

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANKIE L. STINSON whose telephone number is (571) 272-1308. The examiner can normally be reached on M-F from 5:30 am to 2:00 pm and some Saturdays from approximately 5:30 am to 11:30 am.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr, can be reached on (571) 272-1700. The fax phone number for the organization where this application or proceeding is assigned is 571-272-8300.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

Art Unit: 1746

For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

fls


FRANKIE L. STINSON
Primary Examiner
GROUP ART UNIT 1746